D.B. INCOME TAX APPEAL NO.53/2006

CIT, Udaipur **Vs**. Shri Purshottam Mali.

Date 11.05.2006

PRESENT

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P. VYAS

Mr. K.K. Bissa for the appellant.

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Heard learned counsel for the appellant.

The Tribunal by its order dated 12th July, 2004 has decided four appeals filed by the Revenue relating to assessment year 1992-93, 1993-94, 1994-95 and 1996-97 and the cross objection filed by the assessee for the assessment year 1992-93.

This appeal relates to the assessment year 1994-95. The common issue involved in all the four appeals before the Tribunal was about the estimation of investment made in construction of property known as M/s Vardan Complex during the assessment year 1991-92 to 1995-96. The principal question that has been the bone of contnetion is whether while considering the valuation of the property situated in any State, the basic rates applicable to the construction under the Central PWD be applied or rate prevalent

under the State PWD contract provid a better criteria.

The Tribunal has opined that as the property is situated in State of Rajasthan, the appropriate criteria for taking into consideration the rates for the valuation of the property in question. Will be the rates approved for the PWD of the State and not the CPWD rates. This question was considered by this Court in D.B. Income Tax Appeal No.48/2005 arising out of the order under appeal in this case for the assessment year 1992-93. The said appeal has been dismissed vide order dated 4th July, 2005 holding that no substantial question of law arises in the case for the assessment year 1994-95 against the very same order.

In view of the aforesaid, following the earlier decision rendered in D.B. Income Tax Appeal No.48/2005 decided on 5th July, 2005, this appeal is also dismissed as no substantial question of law arises for consideration in this appeal.

[R.P. VYAS], J. [RAJESH BALIA], J.

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